



OFFICE MEMORANDUM

DATE: August 28, 1996

TO: District Engineers
District Field Engineers
Resident/Project Engineers
District Resource Specialists

FROM: Gary D. Taylor, Chief Engineer/Bureau Director
Bureau of Highway Technical Services

Thomas A. Coleman, Bureau Director
Bureau of Highway Operations

SUBJECT: **CONSTRUCTION CIRCULAR LETTER 1996-3**
Removal of Underground Storage Tank Contracts

This Construction Circular Letter revises and replaces **Construction Circular Letter 1995-4**, dated July 10, 1995, entitled "Removal of Underground Storage Tank Contracts/Landfill Acceptance of Fuel Contaminated Soil" as it applies to the removal of underground storage tank contracts only. The landfill information (list of statewide landfills that will accept contaminated soil generated from MDOT projects) distributed with last year's Construction Circular Letter remains viable and unchanged.

Last year, a contract was established to remove underground fuel storage tanks found during the construction of road and bridge projects with the intent of reducing contractor downtime and reducing removal costs. Last year's contract was regional (Districts 3 and 4, 5 and 6, 7 and 8, and Metro) was set up for use in the Lower Peninsula only, and was awarded to Mackenzie Environmental of Grand Ledge based on competitive bidding.

This year, the contract with Mackenzie Environmental for the removal of underground storage tanks found in the Lower Peninsula was extended for use through December 31, 1996. Also this year, bids were taken for the removal of underground storage tanks found during construction in the Upper Peninsula. The UP contract was awarded to Young Environmental of Flint, based on competitive bidding and is in effect through December 31, 1996.

Recently, when reviewing the changes in many of the environmental regulations, it surfaced that we had not been correctly interpreting our responsibilities pertaining to the removal of underground storage tanks within MDOT right-of-way. In short, MDOT has the responsibility to remove any underground storage tank found within the right-of-way, even if not in direct conflict with the proposed construction. This requirement also applies to the local agencies (for local agency-owned right-of-way). This requirement applies regardless of how the right-of-way is owned; i.e., fee, statutory, etc. What the environmental law changes did provide was relief from liability for cleanup of contamination resulting from a leaking underground storage tank. Thus, our costs are limited to the removal of the tank and preventing the spreading of contamination caused by construction activities. Any tank encountered within the right-of-way must be removed. Failure to remove the tanks when identified could indeed place liability on the Department, as well as the individuals responsible for not taking the appropriate actions.

Therefore, the Lower Peninsula and Upper Peninsula contracts shall be used for removal of underground storage tanks found on all active State trunkline construction projects where there is no existing contract item

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for removal of underground storage tanks. Active local agency federal/state aid construction contracts continue to be eligible to use this contract. In all cases, the tank(s) to be removed must be located within the MDOT or local agency right-of-way. Tank removal costs will be charged against the construction project and will be in accordance with the regional unit prices bid. Both the Lower Peninsula and Upper Peninsula contracts require removal of the underground storage tank within seven working days after notification by the MDOT Geoenvironmental Unit.

When an underground fuel storage tank is located under the conditions described above, the following procedures are to be used.

1. The Resident/Project Engineer assigned to the state trunkline project or the local agency's Project Engineer shall notify James Woodruff of the Materials and Technology Division, Geoenvironmental Unit, by telephone at (517) 322-1205 or FAX at (517) 322-5664. If James Woodruff is unavailable, contact Len Hable by telephone at (517) 322-5698 or Tom Work by telephone at (517) 322-6185. Such notification shall include the following information:
 - Verification that the tank is located within MDOT or local agency right-of-way.
 - The address and nearest intersection of the tank location.
 - The size of the tank and tank dimensions, if known.
 - The type of tank (e.g., steel, fiberglass)
 - The contents of the tank, if known (e.g., gasoline, diesel fuel, water).
 - Confirmation that the utilities have been located through MISS DIG. (If they have not yet been confirmed, contact Ms. Jeanette Everett at Mackenzie Environmental at (517) 627-8408 for the Lower Peninsula contract or contact Mr. Kris Thiel at Young Environmental at (810) 789-7155 for the Upper Peninsula contract and they will contact Miss DIG).
 - The project number and appropriate coding associated with the active construction project will be given to the Geoenvironmental Unit for preparation of the payment voucher.
 - The FAXing of a map or sketch of tank location to James Woodruff.
2. The Geoenvironmental Unit, Materials and Technology Division, then performs the following operations:
 - Notifies the Michigan Department of Environmental Quality (MDEQ) and provides MDEQ with a 30 day notice waiver request.
 - Notifies Mackenzie Environmental or Young Environmental of the tank's existence and FAXes them the map or sketch provided by the Resident/Project Engineer.
 - Registers the underground fuel storage tank.
 - Provides resource personnel on-site.
 - Samples the soil under the tank after its removal.
 - Determines whether additional contaminated material is to be removed from below the tank (100 cubic yards maximum).
 - Provides MIG number.
 - The Geoenvironmental Unit will receive the original invoices and pay the invoices by way of payment voucher(s), a copy of which will be sent to the Resident/Project Engineer or Project Engineer for their files. (A review of the original invoices for the work by the Resident/Project Engineer on assigned state trunkline projects or the

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local agency's Project Engineer, their approval stamp on the original invoices, and their mailing of the original invoices to James Woodruff, Materials and Technology Division, MDOT, P.O. Box 30049, Lansing, Michigan 48909, is first required.)

3. Mackenzie Environmental's or Young Environmental's responsibilities include the following:

- Sample tank contents within three working days after being notified by the MDOT Geoenvironmental Unit.
- Starts tank removal within seven working days after being notified by the MDOT Geoenvironmental Unit.
- Provides original invoices and all other appropriate documentation to the Resident/Project Engineer on assigned state trunkline projects and the local agency's project engineer for their review, approval, and submission to the Geoenvironmental Unit for payment.

A copy of the Requests for Bids detailing the scope of work to be performed by the Upper Peninsula contractor, Young Environmental, and a copy of their contract will be sent under separate cover to the Upper Peninsula District Field Engineers for their distribution to their Resident/Project Engineers assigned to state trunkline projects. This detail includes a typical cross section surrounding the tank. For reference, the unit prices established in the approved contract with Young Environmental are attached. The District Resource Specialists have been previously forwarded all of the above separately by the Geoenvironmental Unit. The Request for Bids and contract with Mackenzie Environmental for Lower Peninsula work remain virtually unchanged from last year and will not be redistributed.

This Construction Circular Letter will be revised in the Spring of 1997 when bids will be taken for new contracts for removal of underground storage tanks.

Chief Engineer/ Bureau Director Bureau Director
BH:CD:GDT:MLL:jp
Attachment

Subject Index: Environmental

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